GOVERNMENT OF INDIA
COMMUNICATIONS
LOK SABHA

UNSTARRED QUESTION NO:2372
ANSWERED ON:30.11.2016
Right of Freedom and Privacy on Internet
Tharoor Dr. Shashi

Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether India recently supported amendments to the United Nations Human Rights Council (NHRC) resolution on the promotion, protection and enjoyment of human rights on the Internet as the freedom of opinion and expression and the right to privacy in the digital age;

(b) if so, the details thereof;

(c) whether India also supported an amendment to replace the adoption of human rights-based approach to provide open access to the Internet and bridge the digital divide;

(d) if so, the details thereof; and

(e) the steps taken by the Government to provide access to internet and bridge the digital divide?

Answer

THE MINISTER OF STATE (IC) OF THE MINISTRY OF COMMUNICATIONS &
MINISTER OF STATE IN THE MINISTRY OF RAILWAYS
(SHRI MANOJ SINHA)

(a) to (d) Madam, A resolution on 'the Promotion and Protection and enjoyment of Human Rights on Internet' during the 32nd Session of United Nations Human Rights Council (UNHRC) June-July, 2016 was adopted without a vote. A copy of the resolution that was adopted is at Annexure. India voted in favour of the amendments proposed by Russia that covered PP3 (Preamble Paragraph), PP17 and OP5 (Operational Paragraph) of the resolution.
(e) The following steps have been taken to provide the access to internet and bridge digital divide:
i. BharatNet is planned to create network infrastructure for providing Broadband connectivity to all Gram Panchayats (GPs) (approx. 2,50,000) in the country.
ii. The Rural Wireline Broadband Scheme for providing broadband connectivity to rural & remote areas with Bharat Sanchar Nigam Limited (BSNL) at pan-India level has been made operational on January 20, 2009. A total of 6,56,345 broadband connections have been provided and 15,671 kiosks have been set up in rural and remote areas.

iii. A project proposal has been approved to implement a Comprehensive Telecom Development Plan for the North-Eastern Region (NER) which envisages to provide mobile coverage to 8621 identified uncovered villages by installation of about 6673 mobile towers, installation of 321 mobile tower sites along National Highways and strengthening of transmission network in the NER.
iv. 2199 mobile towers are being set up in Left Wing Extremism (LWE) affected States.
v. 7,317 Mobile towers have been installed with the financial support from Universal Service Obligation Fund (USOF) under the Shared Mobile Infrastructure Scheme in villages or cluster of villages having population of 2000 or more and not having mobile coverage.

Annexure

United Nations A/HRC/32/L.20
General Assembly

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Human Rights Council
Thirty-second session
Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development
Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Brazil,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia,* Fiji,* Finland,* France, Georgia, Germany, Greece,* Haiti,* Honduras,* Hungary,* Iceland,* Ireland,* Italy,* Japan,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Monaco,* Montenegro,* Netherlands, Nigeria, Norway,* Paraguay, Poland,* Portugal, Republic of Moldova,* Romania,* Senegal,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Tunisia,* Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution
32/â€¦ The promotion, protection and enjoyment of human rights on the Internet
The Human Rights Council,
Guided by the Charter of the United Nations,
Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,
Recalling all relevant resolutions of the Commission on Human Rights and the Human Rights Council on the right to freedom of opinion and expression, in particular Council resolution 20/8 of 5 July 2012 and 26/13 of 26 June 2014, on the promotion, protection, and enjoyment of human rights on the Internet, as well as resolutions 12/16 of 2 October 2009, on freedom of opinion and expression, 28/16 of 24 March 2015, on the right to privacy in the digital age, and 23/2 of 13 June 2013, on the role of freedom of opinion and expression in women's empowerment, and 31/7 of 23 March 2016, on the rights of the child: information and communications technologies and child sexual exploitation, and also recalling General Assembly resolutions 68/167 of 18 December 2013 and 69/166 of 18 December 2014, on the right to privacy in the digital age, 70/184 of 22 December 2015, on information and communications technologies for development, and 70/125 of 16 December 2015, containing the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the World Summit on the Information Society,
Welcoming the adoption of the 2030 Agenda for Sustainable Development, and recognizing that the spread of information and communications technology and global interconnectedness has great potential to accelerate human progress, to bridge the digital divide and to develop knowledge societies,
Taking note of the Global Multi-stakeholder Meeting on the Future of Internet Governance, held in SÃ£o Paulo on 23 and 24 April 2014, which acknowledged, inter alia, the need for human rights to underpin Internet governance and that rights that people have offline must also be protected online,
Taking note also of the previous sessions of the Internet Governance Forum, including the most recent meeting, held in JoÃ£o Pessoa, from 10 to 13 November 2015,
Noting that the exercise of human rights, in particular the right to freedom of expression, on the Internet is an issue of increasing interest and importance as the rapid pace of technological development enables individuals all over the world to use new information and communication technologies,
Noting also the importance of building confidence and trust in the Internet, not least with regard to freedom of expression, privacy and other human rights so that the potential of the Internet as, inter alia, an enabler for development and innovation can be realized, with full cooperation between governments, civil society, the private sector, the technical community and academia,
Recognizing that privacy online is important for the realization of the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,
Emphasizing that access to information on the Internet facilitates vast opportunities for affordable and inclusive education globally, thereby being an important tool to facilitate the promotion of the right to education, while underlining the need to address digital literacy and the digital divide, as it affects the enjoyment of the right to education,
Expressing concern that many forms of digital divides remain between and within countries and between men and women, boys and girls, and recognizing the need to close them,
Stressing the importance of empowering all women and girls by enhancing their access to information and communications technology, promoting digital literacy and the participation of women and girls in education and training on information and communications technology, and encouraging women and girls to embark on careers in the sciences and information and communications technology,
Recalling articles 9 and 21 of the Convention on the Rights of Persons with Disabilities, which, inter alia, call upon States parties to take appropriate measures to promote access for persons with disabilities to new information and communications technology and systems, including the Internet,
Recognizing that, for the Internet to remain global, open and interoperable, it is imperative that States address security concerns in accordance with their international human rights obligations, in particular with regard to freedom of expression, freedom of association and privacy,
Deeply concerned by all human rights violations and abuses committed against persons for exercising their human rights and fundamental freedoms on the Internet, and by the impunity for these violations and abuses,
Deeply concerned also by measures aiming to or that intentionally prevent or disrupt access to or dissemination of information online, in violation of international human rights law,
Stressing the importance of applying a comprehensive human rights-based approach when providing and expanding access to the Internet and for the Internet to be open, accessible and nurtured by multi-stakeholder participation,
Taking note with appreciation of the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, submitted to the Human Rights Council at its seventeenth, twenty-third, twenty-ninth and thirty-second sessions, and to the General Assembly at its sixty-sixth session, on freedom of expression on the Internet, and taking note of the report of the Special Rapporteur on the right to privacy, submitted to the Human Rights Council at its thirty-first session,
Considering the key importance of government engagement with all relevant stakeholders, including civil society, private sector, the technical community and academia, in promoting and protecting human rights and fundamental freedoms online,
1. Affirms that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;
2. Recognizes the global and open nature of the Internet as a driving force in accelerating progress towards development in its various

forms, including in achieving the Sustainable Development Goals;
3. Calls upon all states to promote and facilitate international cooperation aimed at the development of media and information and communication facilities and technologies in all countries;
4. Affirms that quality education plays a decisive role in development, and therefore calls upon all States to promote digital literacy and to facilitate access to information on the Internet, which can be an important tool in facilitating the promotion of the right to education;
5. Affirms also the importance of applying a comprehensive human rights-based approach in providing and in expanding access to Internet and requests all States to make efforts to bridge the many forms of digital divides;
6. Calls upon all States to bridge the gender digital divide and enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of all women and girls;
7. Encourages all States to take appropriate measures to promote, with the participation of persons with disabilities, the design, development, production and distribution of information and communications technologies and systems, including assistive and adaptive technologies, that are accessible to persons with disabilities;
8. Calls upon all States to address security concerns on the Internet in accordance with their international human rights obligations to ensure protection of freedom of expression, freedom of association, privacy and other human rights online, including through national democratic, transparent institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;
9. Condemns unequivocally all human rights violations and abuses, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, expulsion, intimidation and harassment, as well as gender based violence, committed against persons for exercising their human rights and fundamental freedoms on the Internet, and calls on all States to ensure accountability in this regard;
10. Condemns unequivocally measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law and calls on all States to refrain from and cease such measures;
11. Stresses the importance of combating advocacy of hatred that constitutes incitement to discrimination or violence on the Internet, including by promoting tolerance and dialogue;
12. Calls upon all States to consider formulating, through transparent and inclusive processes with all stakeholders, and adopting national Internet-related public policies that have the objective of universal access and enjoyment of human rights at their core;
13. Requests the High Commissioner to prepare a report on ways to bridge the gender digital divide from a human rights perspective, in consultation with States, the special procedures of the Human Rights Council, international organizations, national human rights institutions, civil society, industry, technical community and academia and other stakeholders, and to submit it to the Human Rights Council at its thirty-fifth session;
14. Encourages the special procedures to take these issues into account within their existing mandates, as applicable;
15. Decides to continue its consideration of the promotion, protection and enjoyment of human rights, including the right to freedom of expression, on the Internet and other information and communication technology, as well as of how the Internet can be an important tool for fostering citizen and civil society participation, for the realization of development in every community and for exercising human rights, in accordance with its programme of work.

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